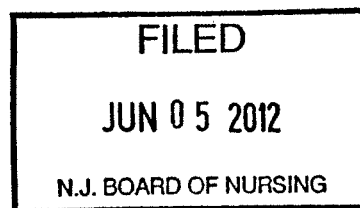


JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
P.O. Box 45029
124 Halsey Street, Fifth Floor
Newark, NJ 07101



By: Susan Carboni
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE APPLICATION OF

GHENET MESFUN, R.N.
License # NO 10784100

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

PROVISIONAL ORDER
OF DENIAL OF REINSTATEMENT
OF LICENSE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. In or about January of 2012, respondent submitted an application for reinstatement of her nursing license, which expired on May 31, 2007.
2. On or about August 2, 2011, respondent was convicted in United States District Court, District of New Jersey, of a violation of 18 U.S.C. 1589(2), forced labor. (Exhibit A) Respondent was sentenced to time served, a period of supervised release, and restitution of \$161,367.00. Time served consisted of the approximately 68 months

respondent had been in the custody of the Bureau of Prisons as of August 2, 2011.

(Exhibit B, T25-3 to 5.)

3. On or about August 2, 2011, respondent pleaded nolo contendere to the following assertions of the Government that¹:

From August of 1992 to July of 2003, respondent and her husband unlawfully and knowingly obtained the labor and services of E.S., an Eritrean national, intending to cause E.S. to believe that if she did not perform such labor or services she would suffer serious harm or restraint.

In 1992, respondent, a naturalized United States citizen from Eritrea, requested the assistance of friends and family in Eritrea to help respondent and respondent's husband locate a person from Eritrea to serve as a domestic servant in her East Orange home.

Respondent and her husband met E.S. at an airport upon her arrival in the United States, and took E.S. to her home in East Orange, where she worked as a domestic servant, beginning in August of 1993.

From August of 1993 through July of 2003, respondent and her husband paid E.S. very little for her labor and services; and although respondent claimed there was a bank account containing E.S.'s wages, E.S. did not have access to that account.

Between August of 1992 and July of 2003, respondent threatened E.S. with physical harm, or destitution, or arrest and deportation, if she did not continue to comply with respondent's demands for her to work for respondent and her family.

Between August of 1992 and July of 2003, respondent physically assaulted E.S. on several occasions, and several calls from respondent's house to the police corroborated the violent atmosphere of respondent's home during those years.

From August of 1992 through July of 2003, respondent and her husband rarely permitted E.S. to leave respondent's home; would not permit E.S.'s relatives to visit her; and restricted E.S.'s right and access to a telephone.

For lengthy periods of time between August of 1992 and July of 2003, respondent deprived E.S. of access to her own passport.

¹ What follows does not consist of direct quotes, but are essentially direct quotes with paraphrases and abridgements of the allocution to render the plea more intelligible in this context.

On several occasions between August of 1992 and July of 2003, E.S. asked respondent and her husband if she could return to Eritrea, and each time respondent refused.

In July of 2003, after federal agents had removed E.S. from respondent's home, respondent called a relative of E.S., asking the relative to hide E.S. from authorities, and to falsely state that E.S. was a relative of respondent and not an employee of respondent's family. (Exhibit B, T20-15 to 23-15.)

4. Respondent has paid the entire restitution imposed in full. (Exhibit C)

5. Respondent's period of supervised release is due to expire on August 12, 2012. (Exhibit D)

6. Respondent willingly enrolled in the Recovery and Monitoring Program of New Jersey (RAMP), and underwent evaluation by a mental health professional on December 4, 2011. The evaluator described respondent as "sincere" and "genuine," with "good insight" into "what has happened." The evaluator recommended that respondent be released from RAMP, and indicated that respondent was safe to practice nursing. (Exhibit E)

7. Respondent has enrolled in a nursing refresher course. (Exhibit F)

CONCLUSIONS OF LAW

1. The conduct to which respondent entered a plea of nolo contendere constituted ongoing acts of moral turpitude which related adversely to the practice of nursing within the intendment of N.J.S.A. 45:1-21(f)

DISCUSSION

The conduct which led to respondent's incarceration for more than five years, as set forth above, was conduct of a continuous nature, lasting more than ten years, and manifesting ongoing cruelty and lack of empathy or compassion;; in sum, this is

conduct indicating that Ms. Mesfun lacked compassion, the most important characteristic of a nurse. This does not bode well for her nursing practice.

Respondent has been out of prison for less than a year and the Board does not believe she has demonstrated rehabilitation sufficient to gain re-entry to a profession where she is likely to be responsible for the care of vulnerable patients, the elderly and the ill. Although the evaluation she submitted indicated that she was fit to resume practice, the Board is not confident that the evaluator was aware of all the facts. The evaluator observed that “[t]he scenario is tragic for this middle-aged professional woman,” speaking of respondent. This demonstrates that the evaluator was ill-informed as to the conduct that led to respondent’s conviction. In fact, the evaluator appears to believe that the conduct Ms. Mesfun actually engaged in consisted of having an employee whose visa had expired. The evaluator seems to view the charges of “forced labor” as a harsh application of the laws against undocumented immigrants. No mention is made in the evaluation of the employee being held against her will, without access to passport, telephone, or to her family, and without being paid for her work. Nor is there mention of violence, threats or police intervention. Because the evaluation does not properly address those components of the conduct to which respondent pled nolo contendere, the Board cannot accept its conclusion that she is “safe to practice nursing.”

The Board is not convinced that Ms. Mesfun has insight into or remorse about the conduct that led to her conviction, and does not believe that Ms. Mesfun comprehends the magnitude of her egregious behavior. Moreover, this conduct occurred during a time when respondent was a Board licensee.

The Board provisionally finds that respondent has failed to demonstrate rehabilitation, and that the misleading manner in which she appears to have explained her history to the RAMP evaluator indicates respondent's lack of insight, and that the likelihood of further misconduct is great. The public puts trust in the Board to license those who can be trusted to safeguard their patients and at this time Ms. Mesfun is woefully lacking in an ability to inspire such trust. The Board is cognizant that there are times when licensee conduct is so egregious that reinstatement should never be granted, and the conduct here may well fall into that category. The Board may accept a petition for respondent's reinstatement after a demonstration that full disclosure has been provided to an evaluator, provided that a subsequent evaluation takes place after sufficient time has passed for Ms. Mesfun to convincingly demonstrate rehabilitation. However, at this time, the Board is convinced that sufficient time has not passed, and that reinstatement should unequivocally be denied.

ACCORDINGLY, IT IS on this 5th day of June, 2012,

ORDERED that:

1. Respondent's application for reinstatement of her nursing license is hereby provisionally denied.
2. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:
 - a) Submitting a written request for modification or dismissal to George Hebert, R.N., Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed or arguments in mitigation.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

3. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through the submission by respondent during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

4. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions herein.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President

EXHIBIT

A

AMENDED

UNITED STATES DISTRICT COURT
District of New Jersey

UNITED STATES OF AMERICA

v.

Case Number 2:05cr858-2

GHENET MARU MESFUN

Defendant.

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Date of Original Judgment: 08/02/2011

Reason for Amendment: Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

The defendant, GHENET MARU MESFUN, was represented by Stephen Turano, Esq.

The defendant pled nolo contendere to count(s) 4 of the INDICTMENT on 08/02/2011. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

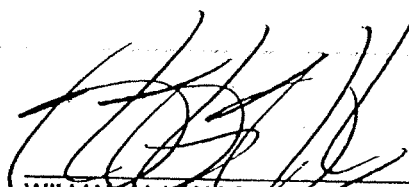
| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Date of Offense</u> | <u>Count Number(s)</u> |
|----------------------------|--------------------------|------------------------|------------------------|
| 18:1589(2) and 2 | FORCED LABOR | 10/29/2000-07/2003 | 4 |

As pronounced on 08/02/2011, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$100, for count(s) 4, which shall be due immediately. Said special assessment shall be made payable to the Clerk, U.S. District Court.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 21 day of September, 2011.


WILLIAM H. WALLS
Senior United States District Judge

AO 245C (Mod. D/NJ 12/06) Sheet 2 - Imprisonment

Defendant: GHENET MARU MESFUN
Case Number: 2:05cr858-2

Judgment – Page 2 of 6

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **TIME SERVED**.

The defendant shall remain in custody pending service of sentence.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: GHENET MARU MESFUN
Case Number: 2:05cr858-2

Judgment – Page 3 of 6

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **3 years**.

Within 72 hours of release from custody of the Bureau of Prisons, the defendant shall report in person to the Probation Office in the district to which the defendant is released.

While on supervised release, the defendant shall comply with the standard conditions that have been adopted by this court as set forth below.

Based on information presented, the defendant is excused from the mandatory drug testing provision, however, may be requested to submit to drug testing during the period of supervision if the probation officer determines a risk of substance abuse.

No contact with victims, either directly or indirectly, with E.S. or her family or extended family, including family members outside of the United States; have no contact, either directly or indirectly, with the witnesses in this case, including witnesses outside of the United States.

Continue to be examined monthly by a competent licensed psychiatrist as approved by Probation.

Continue taking medications as prescribed by a competent licensed psychiatrist as approved by Probation.

If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remains unpaid at the commencement of the term of supervised release and shall comply with the following special conditions:

Defendant: GHENET MARU MESFUN
Case Number: 2:05cr858-2

STANDARD CONDITIONS OF SUPERVISED RELEASE

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another federal, state, or local crime during the term of supervision.
- 2) The defendant shall not illegally possess a controlled substance.
- 3) If convicted of a felony offense, the defendant shall not possess a firearm or destructive device.
- 4) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 5) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 6) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 7) The defendant shall support his or her dependents and meet other family responsibilities.
- 8) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 9) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 10) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances.
- 11) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 12) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 13) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 14) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 15) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 16) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- (17) You shall cooperate in the collection of DNA as directed by the Probation Officer.

(This standard condition would apply when the current offense or a prior federal offense is either a felony, any offense under Chapter 109A of Title 18 (i.e., §§ 2241-2248, any crime of violence [as defined in 18 U.S.C. § 16], any attempt or conspiracy to commit the above, an offense under the Uniform Code of Military Justice for which a sentence of confinement of more than one year may be imposed, or any other offense under the Uniform Code that is comparable to a qualifying federal offense);

- (18) Upon request, you shall provide the U.S. Probation Office with full disclosure of your financial records, including co-mingled income, expenses, assets and liabilities, to include yearly income tax returns. With the exception of the financial accounts reported and noted within the presentence report, you are prohibited from maintaining and/or opening any additional individual

Defendant: GHENET MARU MESFUN
Case Number: 2:05cr858-2

and/or joint checking, savings, or other financial accounts, for either personal or business purposes, without the knowledge and approval of the U.S. Probation Office. You shall cooperate with the Probation Officer in the investigation of your financial dealings and shall provide truthful monthly statements of your income. You shall cooperate in the signing of any necessary authorization to release information forms permitting the U.S. Probation Office access to your financial information and records;

- (19) As directed by the U.S. Probation Office, you shall participate in and complete any educational, vocational, cognitive or any other enrichment program offered by the U.S. Probation Office or any outside agency or establishment while under supervision;
- (20) You shall not operate any motor vehicle without a valid driver's license issued by the State of New Jersey, or in the state in which you are supervised. You shall comply with all motor vehicle laws and ordinances and must report all motor vehicle infractions (including any court appearances) within 72 hours to the U.S. Probation Office;

For Official Use Only - - - U.S. Probation Office

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions, and have been provided a copy of them.

You shall carry out all rules, in addition to the above, as prescribed by the Chief U.S. Probation Officer, or any of his associate Probation Officers.

(Signed) _____
Defendant Date

U.S. Probation Officer/Designated Witness Date

Defendant: GHENET MARU MESFUN
Case Number: 2:05cr858-2

Judgment – Page 6 of 6

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution to the following persons in the following amounts:

| <u>Name of Payee (Victim)</u> | <u>Amount of Restitution</u> |
|--|-------------------------------------|
| E.S. c/o Mr. Ghimay Solomon 335 North Spring Avenue Sioux Falls, SD 57104 | \$167,367 |

The Court will waive the interest requirement in this case.

Payments of restitution are to be made payable to U.S. Treasury and mailed to Clerk, U.S.D.C., 402 East State Street, Rm 2020, Trenton, New Jersey 08608 for distribution to the victim(s) E.S. The amount ordered represents the total amount due to the victim for this loss. The defendant's obligation shall not be affected by any restitution payments made by other defendants in this case, except that no further payments shall be required after the sum of the amounts actually paid by all defendants has fully satisfied this loss. The following defendant(s) in the following case(s) may be subject to restitution orders to the same victim for this same loss:

JOSEPH MESFUN

Cr. No.:2:05cr858-2

The restitution is due immediately and shall be paid in monthly installments of no less than 1/3 of the total amount of restitution each year, to be paid within 3 years of the date supervised release begins.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CRIMINAL ACTION 05-cr-858-WHW

UNITED STATES OF AMERICA, : TRANSCRIPT OF PROCEEDINGS
Complainant, : PLEA and SENTENCE
-vs- : Pages 1 - 27
GHENET MARU MESFUN, :
Defendant. :

Newark, New Jersey
August 2, 2011

B E F O R E: HONORABLE WILLIAM H. WALLS,
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

PAUL FISHMAN, ESQ., UNITED STATES ATTORNEY
BY: RYAN MCKINSTRY, ESQ.
Attorney for the Government

STEPHEN TURANO, ESQ.
Attorney for the Defendant

Pursuant to Section 753 Title 28 United States Code, the
following transcript is certified to be an accurate record as
taken stenographically in the above entitled proceedings.

S/Mollie Ann Giordano
MOLLIE ANN GIORDANO
Official Court Reporter
(973) 220-9465

1 MR. MCKINSTRY: The letter to the Court dated July
2 23rd,

3 THE COURT: I have that right, she would plead nolo
4 contendere and --

5 MR. MCKINSTRY: On the bottom of page 6, in the
6 factual basis section, we had requested --

7 THE COURT: Oh.

8 MR. MCKINSTRY: The questioning of the defendant, that
9 we just put this forth --

10 THE COURT: Let me put it to you this way. I will
11 withdraw my question and put it affirmatively. Listen to what
12 I read to you, Miss Mesfun. And if you disagree with it, you
13 let me know. All right?

14 THE DEFENDANT: Okay.

15 THE COURT: I shall read to you now, the Government
16 asserts and claims that they would prove the following facts
17 against you and your husband beyond a reasonable doubt. That
18 from August 1992, to July 2003, here in Essex County, you and
19 your husband unlawfully and knowingly obtained the labor and
20 services of E.S., a person who's initials are E.S., by means of
21 scheme, plan and pattern, intended to cause that person to
22 believe that if she did not perform such labor of services for
23 you and your husband, she would suffer serious harm or physical
24 constraint. Are you with me so far?

25 THE DEFENDANT: I don't contest.

1 THE COURT: An approximately that year in 1992, you
2 requested the assistance of friends and family in Eritrea to
3 help you and your husband Joseph locate and obtain a person
4 from Eritrea to serve as a domestic servant in your East Orange
5 home?

6 THE DEFENDANT: I don't contest.

7 THE COURT: And you and your husband met this person
8 at an airport upon her arrival here in this country and took
9 her to your home in East Orange, and put her work as your
10 domestic servant?

11 THE DEFENDANT: I don't contest.

12 THE COURT: And in August of 1993, you and your
13 husband obtained the services of that person in your East
14 Orange house?

15 THE DEFENDANT: I don't contest.

16 THE COURT: And in August to July, 2003, you and your
17 husband Joseph paid her, that person whose initials are E.S.,
18 very little for her labor and service, and you claim that there
19 was a bank account containing her wages, but she didn't have
20 any access to that account?

21 THE DEFENDANT: I don't contest.

22 THE COURT: And between August of 1992, and July,
23 2003, you threatened that person with physical harm, or
24 destitution, or arrest and deportation as a matter of fact, if
25 she did not continue to comply with your demands for her to

1 work for you and your family.

2 THE DEFENDANT: I don't contest.

3 THE COURT: And between August of 1992, and July 2003,
4 you physically assaulted her on several occasions and several
5 calls from the -- from your house to police corroborating the
6 violent atmosphere of your house during those years?

7 THE DEFENDANT: I don't contest.

8 THE COURT: Between August, 1992, and 2003, you and
9 your husband rarely permitted E.S. to leave your Caldwell home?

10 THE DEFENDANT: I don't contest.

11 THE COURT: And as a matter of fact, between August of
12 1992, and July of 2003, you and your husband would not permit
13 her relatives to visit her?

14 THE DEFENDANT: I don't contest.

15 THE COURT: And you -- and during this period of time,
16 you and your husband restricted her right or her access to a
17 telephone?

18 THE DEFENDANT: I don't contest.

19 THE COURT: And for a lengthy time or periods of time
20 between August, 1992, and July, 2003, you and your husband held
21 that woman's passport so she had no access to it?

22 THE DEFENDANT: I don't contest.

23 THE COURT: On several occasions between August, 1992,
24 and July, 2003, that person asked you and your husband if she
25 could return to Eritrea, and each time you refused?

1 THE DEFENDANT: I don't contest.

2 THE COURT: And in July of 2003, after the federal
3 agents had removed that person from your home, you called to a
4 relative of E.S., asking the relative to hide her from
5 authorities, and asking that person to falsely state that E.S.
6 was a relative of Mesfun, who was not working for the Mesfun
7 family; is that correct?

8 THE DEFENDANT: I don't contest.

9 THE COURT: Or you don't contest, rather, but the
10 point is, I forgot to stress that the relative you were talking
11 to, was not your relative, but a relative of E.S.?

12 THE DEFENDANT: I don't contest.

13 THE COURT: Mr. McKinstry?

14 MR. MCKINSTRY: Your Honor, we believe that satisfies
15 the need for a factual basis for the plea.

16 THE COURT: Mr. Turano.

17 MR. TURANO: I agree, your Honor.

18 THE COURT: All right. I will accept your plea to
19 this matter. Did I leave anything out, as far as you're
20 concerned?

21 THE DEFENDANT: No.

22 THE COURT: With regard to the plea bargain, did I
23 leave anything out?

24 THE DEFENDANT: No.

25 THE COURT: All right. What do you wish for me to do,

1 Mr. Turano?

2 MR. TURANO: Your Honor, quite candidly, I wish that
3 Miss Mesfun be sentenced today. I have provided your Honor --

4 THE COURT: I don't have any problem sentencing her
5 today. I'm well aware of her matter, and I'm well aware of the
6 facts surrounding it, that would have been the appropriate
7 segue.

8 Counsel for the Government?

9 MR. MCKINSTRY: Your Honor, I agree that we should
10 proceed to sentence.

11 THE COURT: All right. In the context of -- do you
12 wish to be heard, Mr. Turano?

13 MR. TURANO: Your Honor, no.

14 THE COURT: Miss Mesfun?

15 THE DEFENDANT: No.

16 THE COURT: Counsel for the Government?

17 MR. MCKINSTRY: No, your Honor.

18 THE COURT: All right. In the context of my having
19 been with this case for close to six years, more than six
20 years, and having seen you on several occasions, I'm very happy
21 to see you in this condition, in the context of your
22 psychiatric/psychological rehabilitation. Notwithstanding it
23 is of the context of your pleading nolo contendere to a crime.
24 However, in consideration of the crime, and your condition, the
25 nature to impose a sentence that is no more than necessary, as

1 well as hopefully to deter others pursuing the same type of
2 criminality you and your husband willfully pursued, it's my
3 judgment that you are hereby committed to the custody of the
4 Bureau of Prisons, to be in prison for a term of time served,
5 which is approximately 68 months that you've been in custody.

6 Upon release from imprisonment, you are to be placed
7 on supervised release for a term of three years. And within 72
8 hours of release from the custody of the prisons, you are to
9 report first to the probation office in the district to which
10 you are released. While you're on supervised release, you are
11 not to commit any federal, state or local crime; you are not to
12 permit any firearm; you may not possess any illegal controlled
13 substance; and you are to apply the standard conditions which
14 have been adopted by the Court.

15 You are, as I've indicated, to have no contact, either
16 directly or indirectly, with the victim, her family, or
17 extended family, including persons living, not only in this
18 country, but outside this country; nor are you to have any
19 contact, directly or indirectly, with any witnesses in this
20 matter, including those persons living outside this country.

21 As I've indicated, you are to maintain the
22 requirements of the plea agreement, that you have monthly
23 medication as approved by a psychiatrist, the overall
24 supervision of the probation department, or overview of the
25 probation department. You're further ordered to make

1 restitution in the amount of \$161,257, the amount in which I
2 indicated, and payments are to be made payable to the United
3 States treasury, and forwarded to the Clerk of the Court in
4 Trenton, New Jersey, for distribution to the persons whose
5 initials are, E.S., and specifically whose name is, I think,
6 Theopa Solomon (phonetic). And you and your husband have a
7 joint and several obligation to make that restitution, payment,
8 he being the subject of this same indictment in this case,
9 number 05-00858-02. That restitution that shall been paid to
10 the victim within three years of the date the supervised
11 release begins, and to be paid in not less than one-third,
12 annual amounts. You are to notify the United States Attorney
13 for this district within 30 days of any change of address that
14 occurs while any amount of the restitution remains unpaid.

15 At this time I've determined that you do not have the
16 ability to pay any fine, I will waive the fine. However, you
17 are ordered to pay to the United States a total special
18 assessment of \$100, which is due immediately.

19 With regard to my determination of your competency to
20 stand trial, I rely on the reports, and particularly the most
21 recent reports I would say, from the examining psychiatrist and
22 psychologist in this matter, particularly Dr. Eliza Miller
23 (phonetic), as well as Dr. William Rimen (phonetic), who have
24 testified before me at the time, but as well my own assessment
25 of your condition this morning. I'll repeat that you have

1 monthly examinations approved by the probation office, and
2 you're to continue taking medications as described by the
3 competent -- licensed psychiatrist approved by the probation
4 office. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. I think I've touched all
7 basis.

8 Yes, counsel.

9 MR. McKINSTRY: The Government would ask that all the
10 other counts of the indictment be dismissed as they pertain to
11 Miss Mesfun.

12 THE COURT: So ordered. Six years of wait, that takes
13 care of that.

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C

PAUL J. FISHMAN
UNITED STATES ATTORNEY
LEAH A. BYNON
ASSISTANT U.S. ATTORNEY
970 BROAD STREET, ROOM 701
NEWARK, NEW JERSEY 07102
(973)645-2736
LAB0321
FLU:KCPB

November 21, 2011

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

GHENET MARU MESFUN,

DEFENDANT.

: Hon. William H. Walls


: *CRIMINAL No. 05-858*

: SATISFACTION OF JUDGMENT

(Document filed electronically)

The Judgment in the above-captioned case having been paid in full, the Clerk of the United States Court for the District of New Jersey is hereby authorized and requested to satisfy and cancel said judgment of record, as to defendant, Ghenet Maru Mesfun.

PAUL J. FISHMAN
UNITED STATES ATTORNEY


By: S/ LEAH A. BYNON
LEAH A. BYNON
ASSISTANT U.S. ATTORNEY

EXHIBIT

D

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

WILFREDO TORRES
CHIEF PROBATION OFFICER

MARK HENGEMUHLE
SR. DEPUTY CHIEF PROBATION OFFICER

THOMAS C. MILLER
DEPUTY CHIEF PROBATION OFFICER

Board of Nursing
Newark, New Jersey

February 16, 2012

U.S. COURTHOUSE
50 WALNUT ST.
ROOM 1001
NEWARK, NJ 07101-0459
(973) 645-4240
FAX: (973) 297-4864

www.njp.uscourts.gov

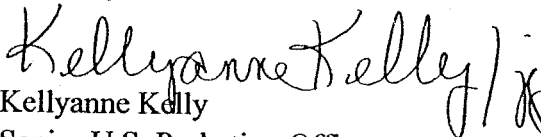
RE: Ghanet Mesfun

To whom it may concern:

Please be advised the above-mentioned individual was released from federal custody and is now under the supervision of the U.S. Probation Office for the District of New Jersey. Ms. Mesfun term of supervision to due to expire on August 1, 2012.

If you require further information, please contact the undersigned officer at (973) 207-9955.

Sincerely,


Kellyanne Kelly
Senior U.S. Probation Officer

KAK/jj

EXHIBIT

E

Phyllis Prekopa, BSN, Psy. D., LCADC, CARN-AP
Addictions Specialist
26 DeHart Avenue
Hewitt, NJ 07421
P/T 973-728-9174

Substance Abuse Evaluation

Name: Ghenet Mesfun, RN
Date of evaluation: 12/04/2011
Date of report: 12/09/2011
Referral source: RAMP
Tools used for evaluation: Addiction Severity Index - ASI
Medical: No chronic medical problems
Employment: Unemployed
Drug & Alcohol: See report
Legal: No legal current legal problems
Family: Married
Psychiatric/Psychological: Chronic insomnia
Summary:

SS#: [REDACTED]

D.O.B.: [REDACTED]

Ms. Ghenet Mesfun, a fifty year old Registered Nurse was referred by RAMP, for a substance abuse/mental stability evaluation. Ghenet was on time, appropriately attired, and socially adept. She was articulate and did not hesitate when answering inquiries. She maintained good eye contact and was composed and professional throughout the session. She reported that she became a C.N.A. while she was going to nursing school. She became an RN in 1994. She worked telemetry in Christ Hospital, Jersey City, NJ at the time of her arrest. She also worked as a weekend supervisor on the 11-7 shift in LTC.

She sponsored a fifty-seven y/o female from Eritria (Ethiopia), Ms. Mesfun's country of origin. The woman agreed to work for Ghenet, maintaining the house, child care, etc. The woman's visa expired. In 2005, the FBI came to Ms. Mesfun's home and charged her with "harboring an illegal immigrant". The women got her green card and both assumed nothing more would follow. Ghenet reported that three years later she was arrested and charged with "forced labor" of that other woman. Ms. Mesfun was sent to prison for a total of five years. She was released August 02, 2011 and paid more than \$161,000.00 in fines. This payoff finalized all legal problems. She is completing one year probation and showed me a fine letter of compliance from her probation office. She said she read a nursing magazine with information about RAMP, while she was in prison. She was seeking professional support and decided to join on October 26, 2011. Ms. Mesfun is currently unemployed and seeking to get back to work with her nursing license. She reported never drinking alcohol, never smoked, and never tried any drugs. She also denies ever abusing prescription medications.

Ghenet Mesfun has been married for twenty seven years, the couple have three children ages 24, 19, and 9. She tearfully reported that her nine year old son was three years old when she was arrested. When questioned about psychiatric or psychological problems, she reported that she has chronic insomnia. She denies any depression and has good insight, and a positive motivation to move forward and put this behind her.


1 Ghenet Mesfun, RN

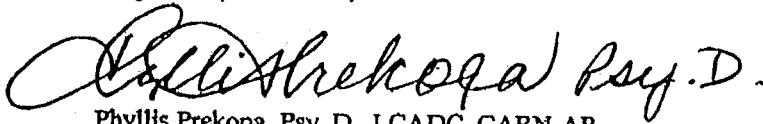
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Recommendation:

There are no indicators of substance abuse or mental instability in this case. The scenario is tragic for this middle-aged professional woman. She is sincere, genuine, and seems to have good insight into what has happened and how she must proceed to get back to work as a nurse. She is safe to practice nursing. The judicial system has punished her enough. I recommend that Ms. Ghenet Mesfun be released from RAMP. There is nothing to be gained from keeping her in a monitoring program.

Thank you for the opportunity to utilize my professional skills on this client's behalf. If there are questions, please contact me at 973-728-9174.

Respectfully submitted,


Phyllis Prekopa, Psy. D., LCADC, CARN-AP

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EXHIBIT

F

January 18, 2012

GHENET MESFUN
22 HAZEL AVE
WEST ORANGE, NJ 07052

Dear GHENET:

This letter is to confirm that you are enrolled in the **RN Refresher Course** offered by Rutgers College of Nursing, Center for Professional Development. This course will be held - February 9 – April 7, 2012 on **Thursdays and Fridays from 9:00 am – 2:30 pm** at Rutgers, The State University in Newark, New Jersey and on **Saturdays from 7:00 am to 2:00 pm** at St. Barnabas Medical Center in Livingston, New Jersey. The first day of class will be held on Thursday February 9, 2012 at Rutgers College of Nursing in Ackerson Hall Seminar Room 205, located on the second floor at 180 University Avenue Newark, New Jersey. (See enclosed map/directions) Registration will begin at 8:30 am on that day.

Parking is available in Parking Deck I, located at 200 University Avenue. On each day of the course you will receive a coupon sticker that will provide you with a discounted parking rate of \$7.34. The sticker is to be applied to the parking ticket you will receive upon entry to the deck.

Hospital orientation will be held on **Friday, February 24, 2012 from 1:00 pm-4:00pm** following class at Rutgers Newark from 8:00 am – 12:00 pm. You will have travel time from 12:00 pm – 1:00 pm in order to get to St Barnabas Medical Center from the Newark Campus. You will meet in the lobby of St. Barnabas Medical Center to complete orientation and obtain your photo ID and swipe card. ID process and orientation cannot be completed at night or on Saturdays. Please be advised that you will need to bring \$14 cash or check for the ID and swipe cards. The money will be returned when you return your card at the end of the course. All students and faculty will need to park in the Saint Barnabas Health Care System Corporate parking lot (map attached). On Saturdays, all students and faculty will be assigned to Lot 5 which requires a swipe card for access. Please **do not** park in the Atkins-Kent office building parking lot. Shuttles are available to and from the corporate parking lot.

Saint Barnabas Medical Center requires that any student taking the refresher course have a criminal background check in order to practice in the hospital. The fee for this background check is \$42 (additional fees may apply) which should be paid **prior** to the first day of class. You may pay by credit card over the phone or mail a check to the above address. For clinical sessions, you must wear white (white scrubs are preferable). Shoes must be white only, sneaker type are fine if only white with no ornaments on them or logos.

Please forward as soon as possible the following items that we have checked that are missing from your application:-

- _____ 1. Copy of your New Jersey License or letter of approval from NJ Board of Nursing to participate in the clinical practices (Please Call at 973-504-6430 to apply for letter)
- ✓ _____ 2. Copy of your Malpractice Insurance Policy
- _____ 3. Copy of your Basic Life Support For Health Care Professionals completion card.
- ✓ _____ 4. Record of completed physical including immunizations
- ✓ _____ 5. Criminal Background Permission Form
- _____ 6. Amount due -
- _____ 7. Other _____

The physical examination, license and malpractice insurance **must** be verified before you begin clinical practice at Saint Barnabas Medical Center. All paper work and final payments are due by **January 27, 2012**. If all completed paperwork is not received by the deadline date, you may not be able to participate and we will check our waiting list of applicants for the course. Please submit the paperwork as soon as possible.

We look forward to your participation in this course. If you have any further questions feel free to contact us by phone at 973-353-5895 or by email at cpdn@rutgers.edu.

Sincerely,

Deborah Gray

Deborah Gray
Registrar
Center for Professional Development

Enclosed: Map/Directions
Criminal Background Check Form
Background Check Fee Listing

01/18/12 dg